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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,495

10/28/2003

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915-008.013

5756

4955

7590

02/26/2009

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EXAMINER

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ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

02/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,495	<b>Applicant(s)</b> ASOKAN ET AL.	
	<b>Examiner</b> CANH LE	<b>Art Unit</b> 2439	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1, 7, 9-10, 15, and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2008 has been entered.

This Office Action is in response to the communication filed on 12/18/2008.

Claims 1, 9, 25, and 27 have been amended.

Claims 1-27 have been examined and are pending.

### ***Response to Arguments***

Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive.

The Applicant argues the following:

**(A)** Mauro does not teach the secure processing point assembling the data package and loads the data package in the personal device for storage therein.

**(B)** “Mauro has nothing to do with storing a backup data package which the personal device has received from the separated secure processing point, wherein the backup data package and an associated unique chip identifier is encrypted with a unique secret key stored in a tamper-resistant secret storage of an integrated circuit chip included in the personal device and further

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wherein the backup data package and associated unique chip identifier is maintained in a permanent public database separated from the personal device.”

(C) “There is absolutely no disclosure in Craft of receiving a backup data package encrypted with a unique secret chip key stored in a tamper-resistant secret storage of an integrated circuit chip included in the personal device.”

(D) “It is respectfully submitted that a person of ordinary skill in the art would not combine Mauro and Craft in the manner as suggested by the Office.”

(E) “It is respectfully submitted that amended claim 1 is not suggested by a combination of Mauro and Craft further in view of Okimoto.”

The Examiner respectfully disagrees with the applicant for the following reasons:

**Per (A):**

Mauro teach a secure processing point assembling the data package and loads the data package in the personal device for storage therein [*Mauro: par. [0034], lines 1-7; A secure unit 240 to perform all secure processing and store all “sensitive” data (e.g. cryptographic key) by various cryptographic technique*].

**Per (B):**

Craft teaches storing the backup data package and the associated unique chip identifier in a permanent public database separated from the personal device [*Craft: par. [0043], lines 1-6 and figure 2; A client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database*].

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Craft further teaches backup data package from the personal device, which backup data package is the data package encrypted with a unique secret chip key stored in a tamper-resistant secret storage of chip *[Craft: fig: 2; par. [0021] and par. [0019]; A server system receives encrypted content data using permanent, hardware-embedded, cryptographic keys (tamper-resistant secret storage) from a client.]*

Okimoto teaches a secure processing point being separated from the personal device *[Okimoto: Col. 5, lines 52-53].*

**Per (C):**

Craft teaches receiving a backup data package encrypted with a unique secret chip key stored in a tamper-resistant secret storage of an integrated circuit chip included in the personal device *[Craft: fig: 2; par. [0021] and par. [0019]; A server system receives encrypted content data using permanent, hardware-embedded, cryptographic keys (tamper-resistant secret storage) from a client.]*

**Per (D):**

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the method of Mauro by including other feature such as

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receiving in response to storing the data package, associating the unique chip identifier with the received backup data package, and storing the backup data package and the associated unique chip identifier of Craft because it would ensure security of the communication between client devices and servers [paragraph [0013], lines 1-4, Craft et al.]

**Per (E):**

The combination of Mauro, Craft, and Okimoto teach all limitations in claim 1 [Please, See Office Action below].

***Claim Objections***

**Claims 1, 7, 9-10, 15, and 26** are objected to because of the following informalities:

(Claim 1, lines 6-7): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

(Claim 7, lines 3-4): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

(Claim 9, line 11): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

(Claim 9, line 5): "*the public database*" should replace "*the permanent public database*" to avoid potentially antecedent basis. Appropriate correction is required.

(Claim 10, lines 6-7): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

(Claim 15, line 3): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

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(Claim 26, line 6-7): "*the device*" should replace "*the personal device*" to avoid potentially antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 27 is rejected under 35 U.S.C. 101** as being directed to non-statutory subject matter.

**Regarding claim 27**, the claims are not directed to eligible subject matter in view of *In re Comiskey*, 499 F.3d 1365 (Fed. Cir. 2007). Although the preamble of claim 27 recites "A device", the bodies of the claims do not positively recite any elements of hardware. The claim merely recites "*means for retrieving*," "*means for assembling*," "*means for receiving*," "*means for associating*," and "*means for storing*," and do not positively recite any element of hardware or machine (e.g., a computer), which the aforementioned "means for" are tied to. There is no further disclosure in the specification as to how "means for" claimed are implemented. The aforementioned "means for" could be implemented using software by one of ordinary skill in the art at the time the invention was made; therefore, the nature of the subject matter claimed may reasonably be construed as a mental process since the language of claims 24 and 37 broadly encompasses non-tangible embodiments. See *In Re Bilski*, 88 USPQ2d 1385; see also *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 473 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1976)); The mere

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recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 6, 15, and 27 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 6** recites the limitation "the secret database" in line 6. There is insufficient antecedent basis for this limitation in the claim.

**Claim 15** recites the limitation "the secret database" in line 8. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 27**, claim 27 has been found invalid as indefinite because the claims recite “*means for*” languages and there is no structure disclosed in the specification. “*If there is no structure in the specification corresponding to the means-plus-function limitation in the claims, the claims will be found invalid as indefinite.*” *Biomedino, LLC vs. Waters Technology Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007)

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-4, 6, 9, 11-12, 14, 17-18, 19-21, 23, 25, and 27 are rejected under 35**

**U.S.C. 103(a)** as being unpatentable over **Mauro** (US 2002/0147920) in view of **Craft** et al. (US 2002/0150243) further in view of **Okimoto** et al. (US 6,978,022 B2).

**As per Claim 1:**

Mauro discloses a method for managing cryptographic keys that are specific to a personal device, comprising:

retrieving in a secure processing point separated from and arranged in communication with the personal device, a unique chip identifier from a read-only storage of an integrated circuit chip included in the personal device [**Mauro: par. [0038]**]; **A read only memory (ROM 252) stores secure parameters (e.g., a unique chip identifier) via a secure operation (e.g., during the manufacturing phase) and become available for use thereafter (e.g. retrieving a unique chip identifier)].**

the secure processing point assembling a data package and loading the data package in the personal device, the data package including at least one cryptographic key [**Mauro: par. [0034], lines 1-7; A secure unit 240 to perform all secure processing and store all “sensitive” data (e.g. cryptographic key) by various cryptographic technique].**

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storing sensitive data in a tamper-resistant secret storage of chip an integrated circuit chip included in the personal device [**Mauro: par. [0037]; memory 254 is a non-volatile memory that may be used to stored sensitive data; par. [0039]; “secure processor 250 and memory 254 are implemented as two separate units enclosed within secure/or tamper resistance/evident unit”]**]

Mauro does not explicitly disclose,

receiving at the secure processing point, in response to storing the data package, associating the unique chip identifier with the received backup data package from the personal device, and storing the backup data package and the associated unique chip identifier.

However, Craft et al. disclose:

receiving at the secure processing point, in response to storing the data package, a backup data package from the personal device, which backup data package is the data package encrypted with a unique secret chip key stored in a tamper-resistant secret storage of chip [**Craft: fig: 2; par. [0021] and par. [0019]; A server system receives encrypted content data using permanent, hardware-embedded, cryptographic keys (tamper-resistant secret storage) from a client.**]

associating the unique chip identifier with the received backup data package [**Craft: par. [0041], lines 7-13; “The manufacture of the client CPU chips also has knowledge of a server public key that is associated with a server private key that may or may not be known to the manufacturer”];**

storing the backup data package and the associated unique chip identifier in a permanent public database separated from the personal device [**Craft: par. [0043], lines 1-6 and figure 2;**

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**A client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the method of Mauro by including other feature such as receiving in response to storing the data package, associating the unique chip identifier with the received backup data package , and storing the backup data package and the associated unique chip identifier of Craft because it would ensure security of the communication between client devices and servers **[paragraph [0013], lines 1-4, Craft et al.]**

Although the combination of Mauro and Craft teaches the claimed subject matter, they are not so clear of disclosing the secure processing point being separated from the personal device. On the hand, Okimoto teaches this limitation in Column 5 **[Okimoto: Col. 5, lines 52-53]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Mauro and Craft by including teaching of Okimoto because it would securely deliver encrypted content on demand with access control **[Col. 3, lines 67 to Col. 4, line 1, Okimoto]**.

**As per Claim 25:**

Claim 25 is essentially the same as claim 1 except that it sets forth the claimed invention as an apparatus further comprising a processor **[Mauro, fig. 3; box 250, box 230]** rather a method and rejected under the same reasons as applied above.

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**As per Claim 3:**

The combination of teaching Mauro, Craft, and Okimoto teach the claimed subject matter.

Craft et al. further disclose wherein the at least one cryptographic key includes at least one key to be used for a secure, key based communication channel between a personal device manufacturer and the personal device [**Craft: par. [0038], figure 2; “a data processing system for secure communication of application code and content using permanent, hardware-embedded, cryptographic key”**].

**As per Claim 4:**

The combination of teaching Mauro, Craft, and Okimoto teach the claimed subject matter.

Craft et al. further disclose the method as claimed in claim 3, wherein the at least one key to be used for a secure, key based communication channel includes a symmetric key [**Craft: par. [0038], lines 1-5; par. [0060], lines 20-24. The symmetric key is a cryptographic key which uses trivially cryptographic key for both decryption and encryption**].

**As per Claim 6:**

The combination of teaching Mauro, Craft, and Okimoto teach the claimed subject matter.

Craft et al. disclose the method as claimed in claim 3, wherein the at least one key to be used for a secure, key based communication channel includes a private/public key pair [**Craft:**

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**par. [0038], par. [0032], “Public key cryptography requires each party involved in a communication or transaction to have a pair of key, called the public key and the private key”].**

**As per Claim 9:**

Mauro discloses a system for managing cryptographic keys that are specific to a personal device, comprising:

at least one personal device [**Mauro: fig. 1, box 110a; fig. 2**] and a secure processing point [**Mauro: fig. 2, box 240**], which secure processing point is separated from and arranged in communication with the personal device,

wherein the at least one personal device includes an integrated circuit chip with a unique chip identifier in a read-only storage and a unique secret chip key in a tamper-resistant secret storage [**Mauro: par. [0038], lines 1-4. A read only memory (ROM 252) stores secure parameters (e.g., a unique chip identifier); par. [0039], lines 9-11; “ secure processor 250 and memory 254 are implemented as two separate units enclosed within a secure and/or tamper resistance/evident unit**];

wherein the secure processing point includes a processor configured for retrieving the unique chip identifier and for assembling a data package in the device and loading the data package, the data package including at least one cryptographic key [**Mauro: par. [0038]; par. [0034], lines 1-7; A secure unit 240 to perform all secure processing and store all “sensitive” data (e.g. cryptographic key) by various cryptographic technique**];

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wherein the at least one personal the device includes a processor configured for encrypting the received data package with the unique secret chip key and transferring a resulting backup data package back to the secure processing point [**Mauro: par. [0036], lines 8-11; “secure processor 250 retrieves data stored within memory 254, processor and/or encrypts the retrieved data, and may send the data to external elements (e.g., main processor 230 via bus 262)];**

Mauro does not explicitly disclose the processor of the secure processing point is arranged for storing the received backup data package.

However, Craft et al. disclose the processor of the secure processing point is arranged for storing the received backup data package in association with the unique chip identifier in a permanent public database separated from the personal device [**Mauro: par. [0043], lines 1-6 and figure 2. A client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the system of Mauro by including the processor of the secure processing point is arranged for storing the received backup data package of Craft because it would ensure security of the communication between client devices and servers [**par. [0013], lines 1-4, Craft et al.].**

Although the combination of Mauro and Craft teaches the claimed subject matter, they are not so clear of disclosing the secure processing point being separated from the personal device. On the hand, Okimoto teaches this limitation in Column 5 [**Okimoto: Col. 5, lines 52-53].**

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Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Mauro and Craft by including teaching of Okimoto because it would securely deliver encrypted content on demand with access control [Col. 3, lines 67 to Col. 4, line 1, Okimoto].

**As per Claim 11:**

Claim 11 is essentially the same as claim 3 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 12:**

Claim 12 is essentially the same as claim 4 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 14:**

Claim 14 is essentially the same as claim 6 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 17:**

Mauro, Craft, and Okimoto disclose a method as described in claim 1.

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Mauro further discloses a method of recovering a backup data package of a personal device, which backup data package has been assembled and stored in accordance with claim 1, the method comprising:

reading a unique chip identifier from a read-only storage of the personal device [**Mauro: par. [0038]**]; **A read only memory (ROM 252) stores secure parameters (e.g., a unique chip identifier) via a secure operation (e.g., during the manufacturing phase) and become available for use thereafter (e.g. retrieving a unique chip identifier)];**

Craft further discloses:

transmitting the chip identifier to a public database [**Craft: par. [0043], lines 1-6 and figure 2; A client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database].**

receiving from the public database the backup data package corresponding to the transmitted chip identifier [**Craft: par. [0015]; lines 8-15; “The client forms a request message, which includes the client serial number, encrypt the request with the server public key and send the download request to the server... the client private key embedded in the client”]; and**

storing the received backup data package in the personal device [**Craft: par. [0015]; lines 11-15; “The client serial number in the received request is used to search for client public key that corresponds to the client private key embedded in the client”].**

**As per Claim 18:**

Mauro discloses a personal device comprising:

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an integrated circuit chip with a unique chip identifier in a read-only storage and a unique secret chip key in a tamper-resistant secret storage [Mauro: par. [0038], lines 1-4. A read only memory (ROM 252) stores secure parameters (e.g., a unique chip identifier); par. [0039], lines 9-11; “secure processor 250 and memory 254 are implemented as two separate units enclosed within a secure and/or tamper resistance/evident unit];

a memory for storing a received data package including at least one cryptographic key [Mauro: par. [0037], lines 1-3. A flash memory is a form of non-volatile memory which is equivalent to memory (130); par. [0034], lines 1-7. A secure unit 240 to perform all secure processing and store all “sensitive” data (e.g. cryptographic key) by various cryptographic technique].

Mauro does not explicitly disclose:

“a processor configured for outputting the unique chip identifier”;

“where the processor is further configured for encrypting the received data package with the unique secret chip key and outputting a resulting backup data package to a permanent public database separated from said personal device”.

However, Craft et al. disclose:

a processor configured for outputting the unique chip identifier [Craft: par. [0041], lines 7-9; “each CPU chip is assigned a unique client serial number].

wherein the processor is further configured for encrypting the received data package with the unique secret chip key and outputting a resulting backup data package to a permanent public database separated from said personal device [Craft: abstract , par. [0043], lines 1-6 and figure 2. Encrypting a request which includes a client serial number (216) is equivalent to

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**encrypt the received data package with the unique secret chip key. The client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the system of Mauro by including the processor of the secure processing point is arranged for storing the received backup data package of Craft because it would ensure security of the communication between client devices and servers **[par. [0013], lines 1-4, Craft et al.]**.

Although the combination of Mauro and Craft teaches the claimed subject matter, they are not so clear of disclosing the secure processing point being separated from the personal device. On the hand, Okimoto teaches this limitation in Column 5 **[Okimoto: Col. 5, lines 52-53]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the device of Mauro and Craft by including the teaching of Okimoto because it would securely deliver encrypted content on demand with access control **[Col. 3, lines 67 to Col. 4, line 1, Okimoto]**.

**As per claim 19:**

The combination of teaching Mauro, Craft, and Okimoto teach the claimed subject matter.

Mauro further discloses the personal device as claimed in claim 18, wherein the personal device includes a read-only memory storing a manufacturer public signature key, wherein the

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memory for storing the received data package is further for storing a received certificate, which corresponds to a certificate stored in association with the backup data package in the public database and which has been signed with a manufacturer private signature key corresponding to the manufacturer public signature key [Mauro: par. [0077]; “The signature generation can be performed based on any one of the digital signature and encryption algorithms. Secure processor 250 may further provide the certificate that includes the remote terminal’s public key”].

**As per Claim 20:**

Claim 20 is essentially the same as claim 3 except that it sets forth the claimed invention as a personal device rather a method and rejected under the same reasons as applied above.

**As per Claim 21:**

Claim 21 is essentially the same as claim 4 except that it sets forth the claimed invention as a personal device rather a method and rejected under the same reasons as applied above.

**As per Claim 23:**

Claim 23 is essentially the same as claim 6 except that it sets forth the claimed invention as a personal device rather a method and rejected under the same reasons as applied above.

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**As per Claim 27:**

Claim 27 is essentially the same as claim 1 except that it sets forth the claimed invention as a device rather a method and rejected under the same reasons as applied above.

**Claims 2, 5, 8, 10, 13, 16, 24, and 26 are rejected under 35 U.S.C. 103(a)** as being unpatentable **Mauro** (US 2002/0147920), **Craft** et al. (US 2002/0150243) in view of **Okimoto** et al. (US 6,978,022 B2) further in view of **Messerges** et al. (US 2002/0157002).

**As per Claim 2:**

Mauro, Craft, and Okimoto disclose the method as described in claim 1 above.

Craft further discloses the secure processing point performs:

associating a unique device identity with the unique chip identifier [**Craft: par. [0015]; par. [0041]; client device is equivalent to unique device identity; CPU chip is equivalent to unique chip identifier**];

signing the result of said associating with a manufacturer private signature key corresponding to a manufacturer public signature key stored in a read-only memory of the device, thereby generating a certificate for the unique device identity [**Craft: par. [0036]; “a data can be signed by computing a digital signature from the data and the private key of signer”**];

storing the unique device identity and the certificate in association with the backup data package and the unique chip identifier in the permanent public database [**Craft: par. [0043]**,

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**lines 1-6 and figure 2; A client serial number (216) is equivalent to a unique chip identifier and a client public key datastore (222) is equivalent to a permanent public database].**

Mauro, Craft, and Okimoto do not explicitly disclose storing the certificate in the device;

However, Messerges et al. disclose storing the certificate in the device [**Craft: par. [0033]; “The certificate authority is preferably an off-line system, thus every time content is rendered it is not necessary to contact the certificate authority”].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teachings of Mauro, Craft, and Okimoto by including the teaching as suggested by Messerges because it would provide a security requirements of digital content while also providing an enjoyable user experience for the end user [**Craft: Messerges, par. [0013]].**

**As per Claim 26:**

Claim 26 is essentially the same as claim 2 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 5:**

Mauro, Craft, and Okimoto disclose the method as described in claim 4 above.

Mauro, Craft, and Okimoto do not explicitly disclose “a symmetric key is generated as a function of a master key and the unique device identity”.

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However, Messerges et al. disclose wherein the symmetric key is generated as a function of a master key and the unique device identity [**Messerges: par. [0041], lines 36-39; par. [0030]; par. [0068], lines 8-10; par. [0041], lines 36-39. A device manufacturer may be securely embedded keys into a user device so that each user device can be uniquely identified to the other. A unique, factory installed, unit public-key of a user device is equivalent to master key and unique device identity**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teachings of Mauro and Craft by including the teaching as suggested by Messerges because it would provide a security requirements of digital content while also providing an enjoyable user experience for the end user [**Messerges, par. [0013]**].

**As per Claim 8:**

The combination of teaching Mauro, Craft, Okimoto, and Messerges teach the claimed subject matter.

Craft et al. further disclose the method as claimed in claim 2, wherein the personal device is a wireless communications terminal and the unique device identity is an identifier which identifies the wireless communications terminal in a wireless communications network [**Craft: par. [0025], lines 13-16. Personal digital assistant (PDAs, client 107) is equivalent to a wireless personal device**].

**As per Claim 10:**

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Claim 10 is essentially the same as claim 2 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 13:**

Claim 13 is essentially the same as claim 5 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 16:**

Claim 16 is essentially the same as claim 8 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

**As per Claim 24:**

Claim 24 is essentially the same as claim 8 except that it sets forth the claimed invention as a personal device rather a method and rejected under the same reasons as applied above.

**Claims 7 and 15 are rejected under 35 U.S.C. 103(a)** as being unpatentable **Mauro** (US 2002/0147920) in view of **Craft et al.** (US 2002/0150243), further in view of **Okimoto et al.** (US 6,978,022 B2), and further in view of **Ginter et al.** (US patent 5,892,900).

**As per Claim 7:**

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The combination of teaching Mauro, Craft, and Okimoto teach the claimed subject matter.

Craft further discloses generated by the secure processing point during assembly of the device [**Craft: par. [0042], lines 1-6. Each client CPU chip has a cryptographic unit (public/private key) that has been manufactured to contain programmable memory storage**].

Mauro, Craft, and Okimoto do not explicitly disclose, “the private/public key pair is generated and store in advance in a secure database before assembly of the device, in which latter case the cryptographic keys stored in advance of assembly are removed from the secret database after reception of the backup data package”.

However, Ginter discloses how to generate and store in advance in a secure database before assembly of the device, in which latter case the cryptographic keys stored in advance of assembly are removed from the secret database after reception of the backup data package [**Ginter: Col. 169, lines 9-17; claim 101. An electronic appliance 600 updates its secure database 610 and/or SPU 500. If an information is received, an end user’s electronic appliance 600 requesting the electronic appliance to delete the information that has been transferred. The information comprises at least one or more cryptographic keys**].

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Mauro, Craft, and Okimoto by including how to store the cryptographic keys in advance and removed from the secret database as suggested by Ginter because it would allow the secure database 610 item is updated or modified, a new encryption key can be generated for updated item [**Ginter, Col. 171, lines 43-46**].

**As per Claim 15:**

Claim 15 is essentially the same as claim 7 except that it sets forth the claimed invention as an apparatus rather a method and rejected under the same reasons as applied above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zand Kambiz can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner, Art Unit 2439

February 23, 2009

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434